



CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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Public Hearing Date: March 9, 2010
Land Use Action Date: May 11, 2010
Board of Aldermen Action Date: May 17, 2010
90-Day Expiration: June 7, 2010

DATE: March 5, 2010

TO: Board of Aldermen

FROM: Candace Havens, Interim Director of Planning and Development 
Alexandra Ananth, Senior Planner

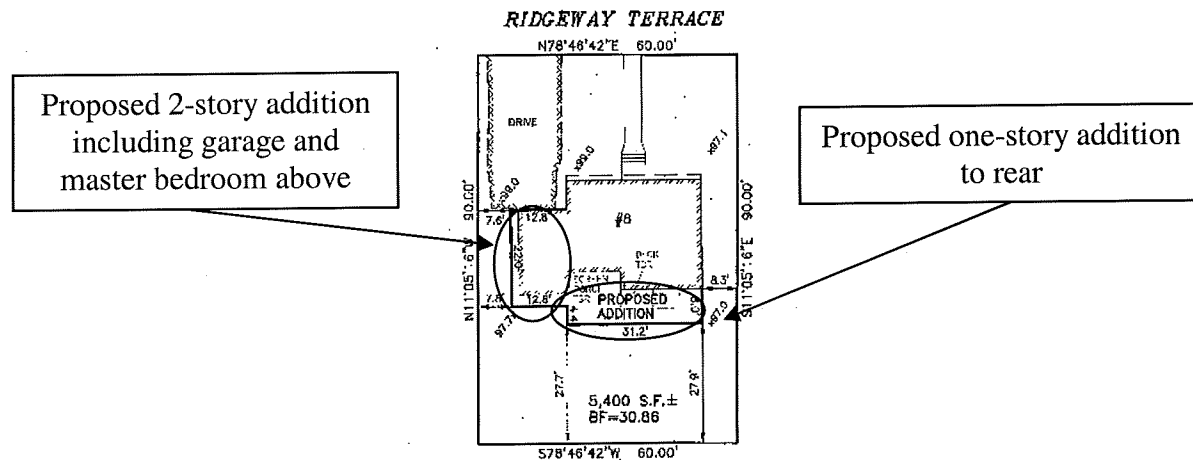
SUBJECT: **Petition #42-10, JOHN J. & DIANE P. LANAHA** request for a SPECIAL PERMIT/SITE PLAN APPROVAL for an EXTENSION OF A NON-CONFORMING STRUCTURE to demolish an existing one-story garage and construct a two-story addition onto an existing single-family dwelling, which will increase the existing Floor Area Ratio from .32 to .46, at 8 RIDGEWAY TERRACE, Ward 5, NEWTON HIGHLANDS, on land known as Sec 54, Blk 46, Lot 15, containing approx 5,400 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(a)(2)b), 30-21(b), 30-15(u)(4) of the City of Newton Rev Zoning Ord, 2007.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



EXECUTIVE SUMMARY

The petitioners are proposing to demolish an existing one-story garage and to replace it with a two-story addition, which would include a new garage with master bedroom above. They also plan a one-story addition across the rear of the existing house, which will increase the size of their kitchen and family room. The existing single-family residence is located on a 5,400 sq. ft. lot on Ridgeway Terrace, a dead end road off of Canterbury Road, and is nonconforming with respect to Floor Area Ratio (FAR). The proposed additions will increase the existing nonconforming FAR, from .32 to .46 where .3 is allowed. The addition is designed in keeping with the clapboard architecture and pitched roof line of the existing house and will project another two feet into the side yard but will meet the side yard setback requirement of 7.5 feet. The rear addition will project an additional eight feet from the existing house but will maintain a rear setback of 27.7 feet where 15 feet is required.



I. SIGNIFICANT ISSUES FOR CONSIDERATION

When considering this request, the Board should consider whether the increases in FAR would be consistent with and not in derogation of the size, scale and design of other structures in the surrounding neighborhood.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located on Ridgeway Terrace, a dead end located off Canterbury Road in Newton Highlands just north of Route 9 (Boylston St.). It is located within a Single Residence 2 District where single-family residences on small lots characterize the neighborhood. The majority of residences were built between 1920 and 1950, and most of the lots are between 5,000 and 9,000 sq. ft. Colonial architecture dominates the neighborhood, although a variety of early twentieth century architectural styles also are present (*SEE ATTACHMENT "A"*).

B. Site

The 5,400 sq. ft. site is relatively level and is of average size for the neighborhood.

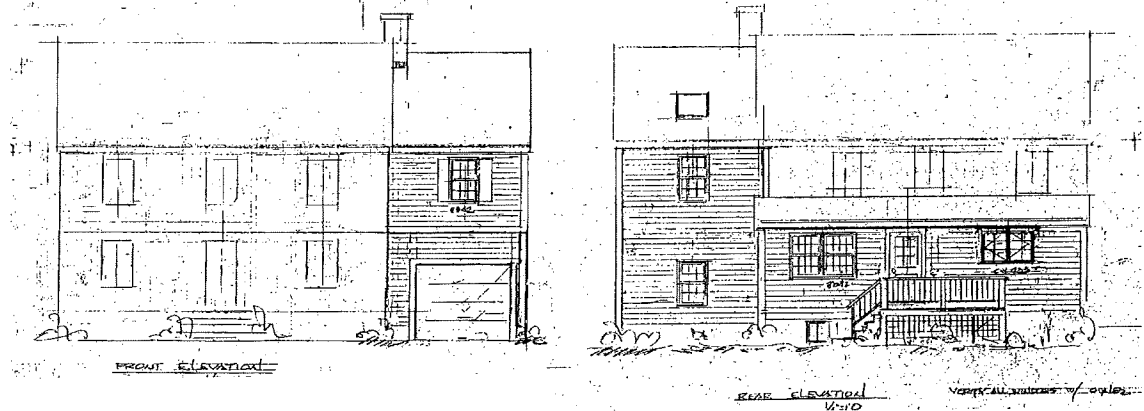
III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

No changes to the use of the single-family residence are proposed.

B. Building and Site Design

The existing house is a brick and clapboard garrison colonial-style residence circa 1937 with a pitched roof. The petitioners propose to demolish an existing one-story garage and to replace it with a two-story addition in keeping with the style of the house. The petitioners are also proposing a one-story eight-foot addition to the rear of the house. The addition to the front would mirror the existing roof pitch, though the peak is slightly lower than the existing one. The addition will house a new one-car garage on the first floor and a master bedroom on the second. The roof over the rear addition will have a slight pitch. The additions will add approximately 800 sq. ft. to the existing 1,700 sq. ft. house bringing the house to 2,500 sq. ft. Although the proposed additions will make this house the largest in the immediate neighborhood, it will still be consistent in scale with other residences in the neighborhood, especially as viewed from the street.



Front and rear elevations showing proposed additions

C. Parking and Circulation

The petitioners are not altering the curb cut or driveway in any way.

D. Landscape Screening

The petitioners did not submit a landscape plan nor was one required; however, the Planning Department recommends the petitioner consider adding a tree along the western lot line between the proposed two-story addition and the abutting residence to the west.

IV. TECHNICAL REVIEW

A. Technical Considerations (Section 30-15). The Zoning Review Memorandum, dated October 5, 2009 (*SEE ATTACHMENT "B"*), provides an analysis of the proposal with regards to zoning. The existing house is a lawfully nonconforming structure with regard to lot size, frontage, and FAR. ***A special permit is required to increase the already nonconforming FAR from .32 to .46.*** The additions will not encroach into the side or rear setbacks and lot coverage and open space ratios will remain compliant.

B. Newton Historical Commission Demolition Review. The Senior Preservation Planner reviewed and approved the proposed demolition as the building was determined not historic (*SEE ATTACHMENT "C"*).

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum the petitioners are seeking approval through or relief from:

- Section 30-21(a)(2)(b), 30-21(b), and 30-15(u)(4) for an expansion of a nonconforming structure with respect to FAR
- Section 30-23, for site plan approval
- Section 30-24, for approval of special permit

VI. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS

- ATTACHMENT A:** NEIGHBORHOOD COMPARISON CHART
- ATTACHMENT B:** ZONING REVIEW MEMORANDUM DATED JUNE 23, 2009
- ATTACHMENT C:** NEWTON HISTORICAL COMMISSION DEMOLITION REVIEW DECISION
- ATTACHMENT D:** ZONING MAP
- ATTACHMENT E:** LAND USE MAP
- ATTACHMENT F:** DRAFT BOARD ORDER


Neighborhood Comparison Chart (Prepared by Planning Department based on information obtained from the Assessor's Database)

<u>Address</u>	<u>Approx.</u> <u>Yr. Built</u>	<u>Lot Size</u>	<u># Units</u>	<u>Lot Area</u> <u>Per Unit</u>	<u>Approx.</u> <u>Sq. Ft.</u>	<u>Approx.</u> <u>FAR</u>	<u>Material</u>	<u>Style</u>	<u>Garage</u>	<u>Approx.</u> <u>Sq. Ft.</u>
3 Ridgeway Terrace	1920	9,900	1	9,900	1,896	(0.19)	Vinyl	Colonial	Detached	360
4 Ridgeway Terrace	1950	5,400	1	5,400	1,116	(0.21)	Stucco	Cape cod	None	
8 Ridgeway Terrace	1937	5,400	1	5,400	1,713	(0.32)	Wood Shingle	Colonial	Attached	220
11 Ridgeway Terrace	1930	9,000	1	9,000	1,982	(0.22)	Wood Shingle	Colonial	Detached	242
12 Ridgeway Terrace	1930	5,130	1	5,130	1,456	(0.28)	Wood Shingle	Colonial	Detached	209
18 Ridgeway Terrace	1920	5,670	1	5,670	1,928	(0.34)	Wood Shingle	Colonial	None	
Average		6,750		6,750	1,682	(0.26)				258
8 Ridgeway Terrace Proposed		5,400	1	5,400	2,524	0.47				280

Zoning Review Memorandum

Dt: October 5, 2009

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official
Candace Havens, Chief Planner 

Cc: Michael Kruse, Director, Department of Planning and Development
John J. Lanahan, property owner
Ouida Young, Associate City Solicitor

RE: Request to allow an increase in FAR.

Applicant: John J. Lanahan

Site: 8 Ridgeway Terrace	SBL: Section 54, Block 46, Lot 15
Zoning: SR-2	Lot Area: 5,400 square feet
Current use: Single-family residence	Proposed use: Single-family residence

Background:

The subject property consists of a 5,400 square foot lot currently improved with a single-family residence. The applicants are proposing to demolish a one-story garage and rebuild a two-story addition.

Administrative determinations:

- The property is in the SR-2 zone and must comply with the dimensional standards of Section 30-15, Table 1 for a pre-1953 lot (see chart below). The applicants are proposing to demolish and rebuild the garage and add an addition onto the second story above the garage. They also plan a one-story addition across the rear of the existing house.

SR-2 Zone	Required/Allowed	Existing	Proposed
Lot size	10,000 sq. ft.	5,400 sq. ft.	No change
Frontage	80 feet	60 feet	No change
Setbacks			
• Front	25 feet	Approx. 29 feet*	No change
• Side	7.5 feet	Approx. 9.5 feet*	7.6 feet
• Rear	15 feet	Approx. 34.5 feet*	27.7 feet
FAR	.3	.32	.46
Building Height	30 feet	24.2 feet	No change
Maximum Stories	2.5	Info not submitted	Info not submitted
Max. Lot Coverage	30%	20.3%	24.9%
Min. Open Space	50%	68%	64%

* Applicant did not submit an existing conditions site plan. Such a plan may be required during the special permit process. These figures are estimated by scaling the proposed site plan submitted.

2. The subject property is legally nonconforming with respect to Floor Area Ratio. The proposed addition will increase this nonconformity. The proponent needs a Special Permit from the Board of Aldermen under Sections 30-21(a)(2)(b), 30-21(b) and 30-15(u)(4).
3. See "Zoning Relief Summary" below:

<i>Zoning Relief Summary</i>		
<i>Ordinance</i>	<i>Site</i>	<i>Action Required</i>
§30-21(a)(2)(b), 30-21(b), 30- 15(u)(4)	Increase nonconformity with respect to FAR	SP per §30-24

Plans and materials reviewed:

- "Plan of Land in Newton, MA, 8 Ridgeway Terrace, Proposed Addition," dated July 14, 2009, signed and stamped by Bruce Bradford, Professional Land Surveyor
- "Plan of Land in Newton, MA to accompany the petition of John Lanahan 8 Ridgeway Terrace, Newton, MA 02461," dated July 14, 2009, signed and stamped by Bruce Bradford, Professional Land Surveyor
- Architectural Plans as follows all signed and stamped by H.L. Millard, Registered Professional Engineer and dated May 16, 2009September 2, 2008
 - "1 of 5 Left Elevation and Front Elevation"
 - "2 of 5 Rear Elevation and Right Elevation"
 - "3 of 5 Section and 1st Floor Plan"
 - "4 of 5 2d Floor Plan"
 - "5 of 5 Section and Foundation Plan"



CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development
Michael J. Kruse, Director

ATTACHMENT C

(011) 190-1142

E-mail
mkruse@newtonma.gov

David B. Cohen
Mayor

Newton Historical Commission Demolition Review Decision

Date: 9/21/09 Zoning & Dev. Review Project# 09090026

Address of structure: 8 Ridgeway Terrace

Type of building: House

If partial demolition, feature to be demolished is Attached garage, facade

The building or structure:

is is not ☒ in a National Register or local historic district not visible from a public way.
is is not ☒ on the National Register or eligible for listing.
is is not ☒ importantly associated with historic person(s), events, or architectural or social history
is is not ☒ historically or architecturally important for period, style, architect, builder, or context.
is is not ☒ located within 150 feet of a National Register or local historic district.

is is NOT HISTORIC as defined by the Newton Demolition Delay Ordinance.
Demolition is not delayed and no further review is required.

is is HISTORIC as defined by the Newton Demolition Delay Ordinance (See below).

The Newton Historical Commission staff:

APPROVES the proposed project based upon materials submitted see below for conditions (if any).
Demolition is not delayed, further staff review may be required.

DOES NOT APPROVE and the project requires Newton Historical Commission review (See below).

The Newton Historical Commission finds the building or structure:

is is NOT PREFERABLY PRESERVED
Demolition is not delayed and no further review is required.

is is PREFERABLY PRESERVED - (SEE BELOW).

One year delay of Demolition:

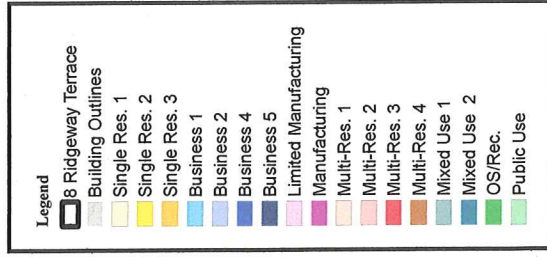
is in effect until

has been waived - see attached for conditions

Determination made by: Brian Lever

Zoning Map

8 Ridgeway Terrace

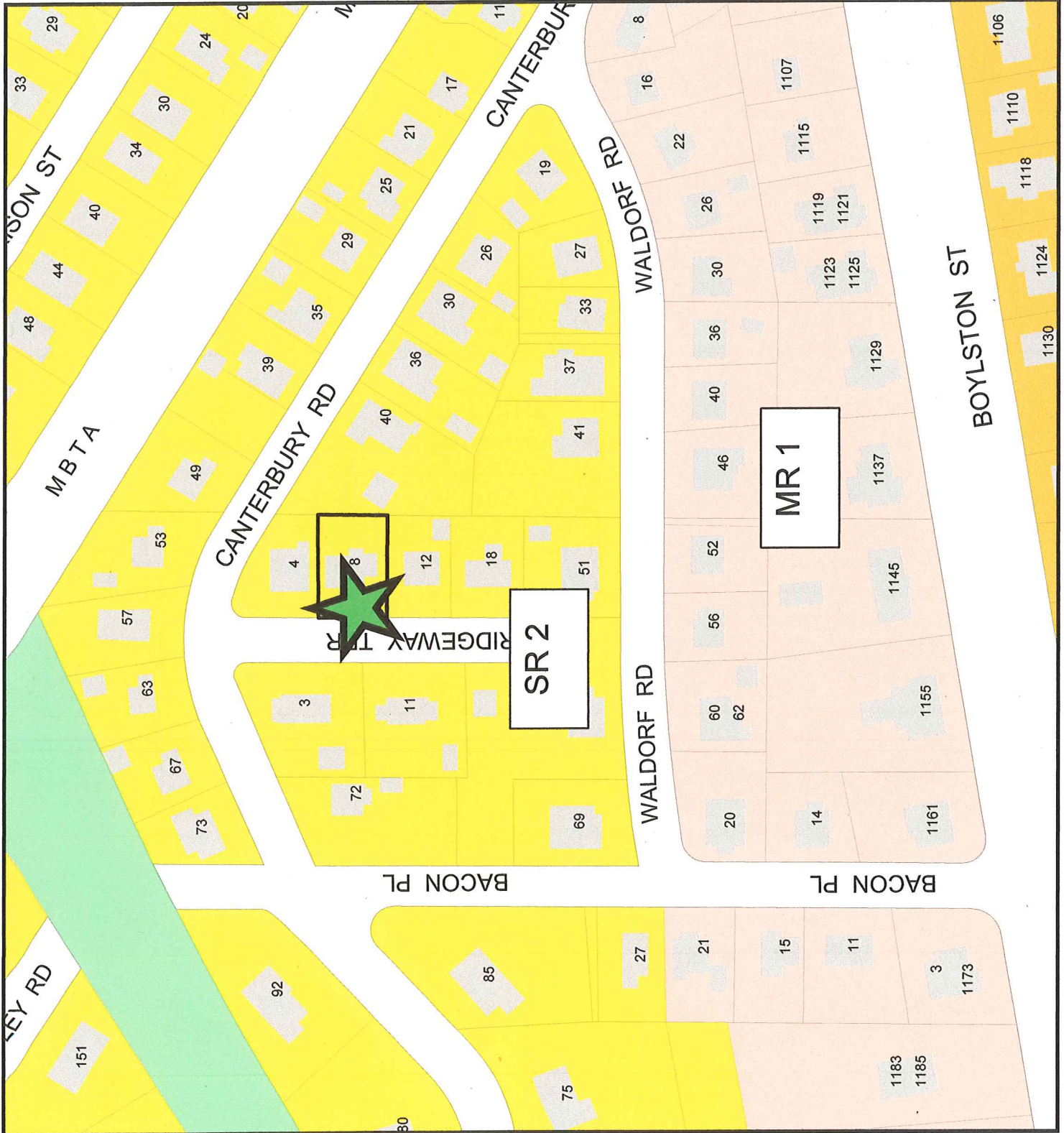


ATTACHMENT D

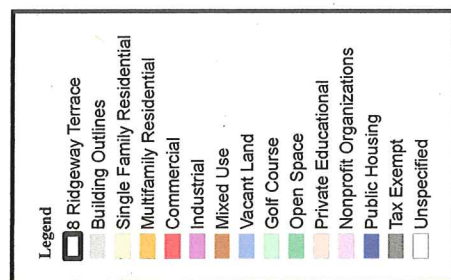
The information on this map is for informational purposes only. The City of Newton cannot guarantee the accuracy of the information. Each user of the information is responsible for determining its suitability for their own purpose. City departments approve applications based on the information provided.



MAP DATE: March 2011



8 Ridgeway Terrace

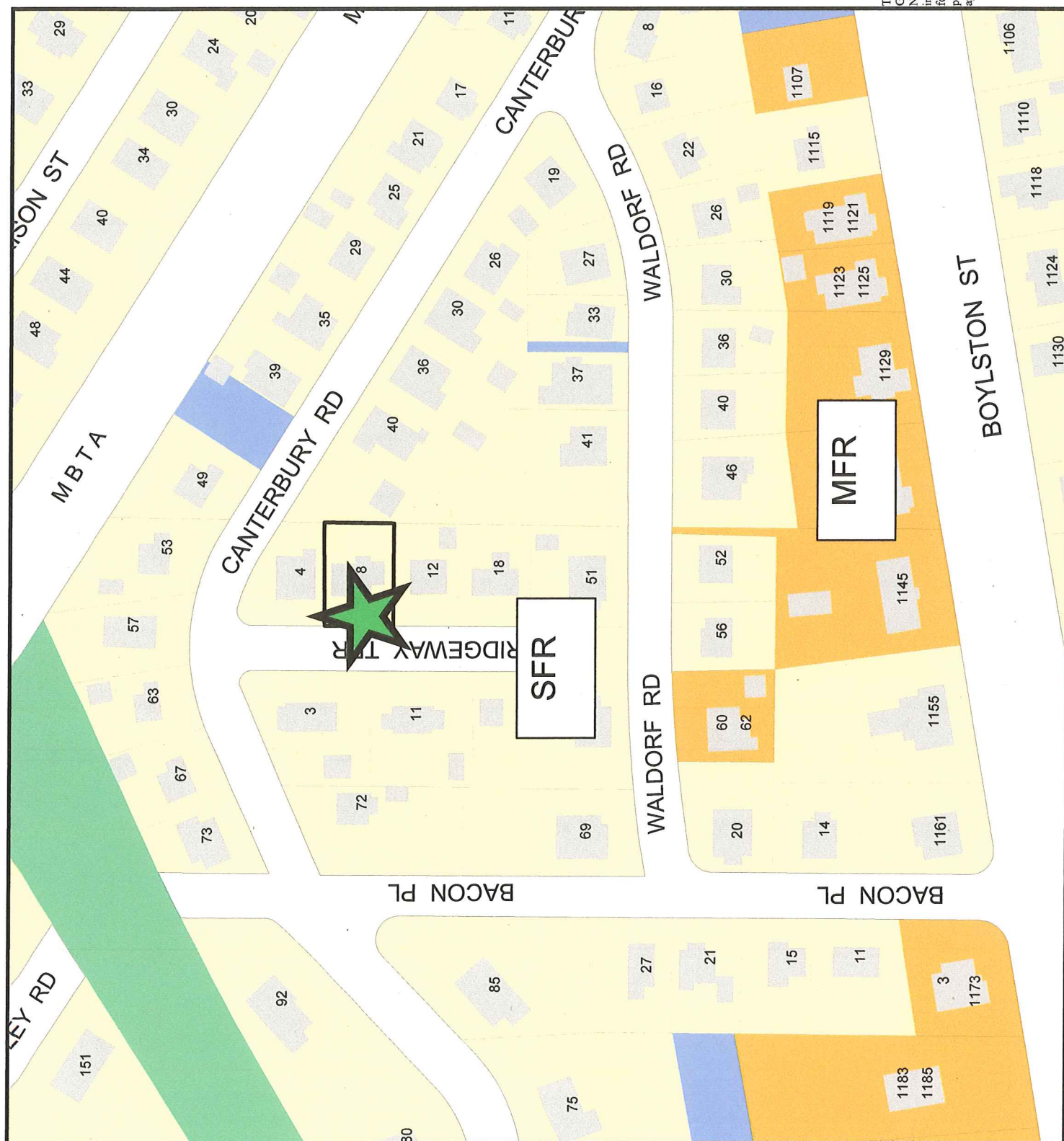


ATTACHMENT E

The information on this map Geographic Information Systems cannot guarantee that Newton cannot guarantee the information. Each user of the information for determining its suitability for determining its suitability purpose. City departments approve applications based



MAP DATE: Mar 1994



DRAFT
#42-10CITY OF NEWTON
IN BOARD OF ALDERMEN
March 15, 2010

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to extend a nonconforming structure with respect to Floor Area Ratio to reconstruct an attached garage with a new master bedroom above and for a one-story addition to the rear, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Ted Hess-Mahan:

1. The proposed extension of a nonconforming structure will not be substantially more detrimental to the neighborhood than the existing structure for the following reasons:
 - a. The attached garage is existing and the modest additions including a bedroom above the garage and a one-story addition to the rear of the house have been designed in keeping with the architecture and roofline of the existing house and comply with all setback requirements.
 - b. Increasing the already nonconforming FAR from .32 to .46 (where an FAR of .3 is allowed by right) is appropriate in this neighborhood context, as the house will remain consistent with and not in derogation of the size, scale and design of other structures in the surrounding neighborhood, and the property complies with ratios for lot coverage and open space.
2. The proposed modestly scaled additions are consistent with the *2007 Comprehensive Plan*, as they will help meet the lifestyle needs of today's families while maintaining the character of the neighborhood.

PETITION NUMBER: #42-10

PETITIONER: John J. Lanahan

LOCATION: 8 Ridgeway Terrace, Section 54, Block 46, Lot 15
containing approximately 5,400 sq. ft. of land

OWNER: John J. Lanahan

ADDRESS OF OWNER: 8 Ridgeway Terrace, Newton, MA 02461

TO BE USED FOR: Additions to an existing single-family house

CONSTRUCTION: Wood frame, clapboard siding, and asphalt shingle roof

EXPLANATORY NOTES: §30-21(a)(2)(b), 30-21(b) & 30-15(u)(4) to increase the nonconformity of the existing structure with respect to FAR; §30-23 for site plan approval; and §30-24(d) for special permit approval

ZONING: Single Residence 2 District

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - “Plan of Land in Newton, MA, 8 Ridgeway Terrace, Proposed Addition,” dated July 14, 2009, signed and stamped by Bruce Bradford, Professional Land Surveyor
 - “Plan of Land in Newton, MA to accompany the petition of John Lanahan 8 Ridgeway Terrace, Newton, MA 02461,” dated July 14, 2009, signed and stamped by Bruce Bradford, Professional Land Surveyor
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 - “1 of 5 Left Elevation and Front Elevation”
 - “2 of 5 Rear Elevation and Right Elevation”
 - “3 of 5 Section and 1st Floor Plan”
 - “4 of 5 2d Floor Plan”
 - “5 of 5 Section and Foundation Plan”
2. No building permit shall be issued pursuant to this special permit/site plan approval until the petitioner has:
 - a. recorded a certified copy of this board order for the approved special permit/site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:

- a. filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
- b. submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in digital format.